

 <p>Massachusetts Department of Correction</p> <h1>POLICY</h1>	Effective Date  4/19/2023	Responsible Division  Policy Development and Compliance Unit	
	Annual Review Date  4/19/2023		
Policy Name  103 DOC 525 INMATE SUBSTANCE ABUSE MONITORING AND TESTING	M.G.L. Reference: M.G.L. c. 124, § 1 (b), (m) and (q). M.G.L. c. 94C, §§ 1 and 47A		
	DOC Policy Reference: 103 DOC 340; 103 CMR 405; 103 CMR 431; 103 CMR 431; 103 DOC 506		
	ACA/PREA Standards: 5-ACI-5E-11; 4-ACRS-5A-09		
Attachments Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Inmate Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability:    Staff/Inmates	
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Location: Department Central Policy File Each Institution's Policy File	
<p><b>PURPOSE:</b>          The purpose of 103 DOC 525 is to establish Department of Correction (Department) policy governing substance abuse monitoring and testing of inmates.</p> <p><b>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:</b>          Policy Development and Compliance Unit          Superintendents          Substance Abuse Monitors          Department Substance Abuse Coordinator          Directors of Treatment</p> <p><b>CANCELLATION:</b>          103 DOC 525 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules, and regulations regarding inmate substance abuse monitoring and testing that are inconsistent with this policy.</p> <p><b>SEVERABILITY CLAUSE:</b>          If any article, section, subsection, sentence, clause, or phrase of 103 DOC 525 is, for a reason, held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner, or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause, or phrase of this policy.</p>			

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**DEFINITIONS**

COMPAS: A computerized data base and analysis system for criminal justice practitioners who must make decisions regarding the placement, supervision, and case management of offenders.

Confirmation Test: A forensic test conducted by a certified laboratory to detect the presence of unauthorized drugs, alcohol, prescribed medications, or other substances in a particular specimen sample. The results of the laboratory test shall always override the results of any screening results obtained by Department staff.

Department Substance Abuse Coordinator (SAC): The individual designated by the Commissioner or designee who is responsible for overseeing and coordinating all aspects of the inmate substance abuse testing program for the Department.

Director of Treatment (DOT): An institutional program manager appointed by the Superintendent of the institution who is responsible for supervising all program services, ensuring compliance with departmental treatment policies, developing initiatives and procedures as needed, monitoring adherence to procedures, and overseeing the performance of treatment staff, including service vendors. This staff person shall have treatment or program experience.

Initial Screening: A preliminary test conducted by a Qualified Testing Officer, generally designed to provide only qualitative data regarding the presence of unauthorized drugs, alcohol, prescribed medications or other substances in a particular urine specimen sample.

Inmate: Any individual, whether awaiting trial or sentenced, who is confined in a state correctional institution. A person committed to the Massachusetts Treatment Center pursuant to M.G.L. c. 123A as a Sexually Dangerous Person, also known as a "Resident", shall be considered an inmate for the purposes of 103 DOC 525.

Qualified Collection Officer: A staff member designated/assigned to collect a urine, oral fluid, or breath sample for substance abuse testing. This individual shall be properly trained through Department lesson plans annually at in-service training or by the manufacturer's specifications in the collection methodology being conducted.

Qualified Testing Officer: A staff member designated/assigned to either test an illicit substance or test a urine, oral fluid, or breath sample for substance abuse testing. This individual shall be properly trained by the product manufacturer every two (2) years in the testing methodology being utilized.

Qualitative Test: A test that provides simple results (positive or negative) of a particular drug based upon specific cutoff levels.

Substance Abuse Monitor (SAM): An individual appointed by the Superintendent of the institution to oversee compliance with inmate substance abuse monitoring in accordance with 103 DOC 525.

## **525.02**

### **PURPOSE AND APPLICABILITY**

- A. The Department maintains a zero tolerance for substance abuse by all inmates within its custody. Every effort shall be made to provide a drug free and safe correctional environment. Through the aggressive management of 103 DOC 525, the Department shall attempt to reduce or eliminate drug and alcohol use among inmates, improve accountability, maintain institutional order/security, and contribute to the overall mission of the Department by reducing inmate recidivism.
- B. Substance abuse monitoring shall be conducted for both security and treatment purposes. All inmates, unless specifically exempted, shall be subject to substance abuse monitoring and, where appropriate, may participate in available drug treatment programs.
- C. The Shattuck Hospital Correctional Unit shall be exempt from the general testing requirements of this policy. Testing for cause may be conducted on these individuals if deemed necessary by the Director of Security (DOS) or designee.
- D. Civil Commitments at the Massachusetts Treatment Center are subject to disciplinary sanctions in accordance with 103 CMR 431, *Observation of Behavior Reports*.

## **525.03**

### **APPOINTMENT AND DUTIES OF THE INSTITUTIONAL SUBSTANCE ABUSE MONITOR**

- A. The Superintendent at each institution shall appoint a Substance Abuse Monitor (SAM) who shall monitor and coordinate the collection, screening, testing, and documentation of inmate drug tests at the institution. The Superintendent shall appoint a second individual as a backup to assist with these duties, or to provide coverage during the primary Monitor's absence.
- B. All substance abuse related documentation (e.g., Inmate Sign Off Sheets, laboratory confirmation results), shall be maintained on file by the SAM for no less than three (3) years.
- C. All SAMs shall maintain and monitor training certification dates for the collection and testing requirements of staff.

## **525.04**

### **TESTING REQUIREMENTS**

- A. The SAM at each institution shall review/assess all incoming inmates for any pre-existing substance abuse issues, as well as any previous monitoring status or substance abuse program participation, to determine whether any current or future testing or monitoring is needed.

As part of this assessment, the SAM shall review the following IMS screens:

1. Disciplinary Query;
  2. Mental Health/Substance Abuse History;
  3. Medical Orders;
  4. COMPAS / Assessment Scores and Case Plan
- B. Inmates may be tested using a variety of methods, including but not limited to: urine, oral fluids, and breath. The primary method for testing for substances of abuse shall be through urine, although alternate testing methods may be utilized as needed.
- C. Inmates shall be routinely tested for a variety of unauthorized/controlled substances, unauthorized medications, or prohibited substances, as determined by the SAM based upon the inmate's drug of choice, specific intelligence, or current drug use trends within the institution.
- D. Inmates who have not been housed in a Department institution for at least thirty (30) days shall be exempt from the general testing requirements of this policy. Testing for cause may be conducted on these inmates if deemed necessary by the DOS or a designee.
- E. Selection of inmates for testing may be random or based on intelligence, but shall not be based on the race, color, religion, gender, gender identity, age, national origin, or any other protected status of the inmate.
- F. Each Superintendent of an institution that operates a specialized unit (e.g., restrictive housing, protective custody) shall develop institutional procedures for the collection and testing of urine specimen samples from inmates assigned to such units. The procedures shall consist of an identified area for urine specimen collection and testing, and ensure testing frequencies are being met in accordance with 103 DOC 525.06, while also ensuring the safety of both staff and inmates. If security or medical issues prevent a urine specimen from being collected, it shall be documented in the comments section of the inmates IMS test results screen.
- G. Inmates participating in the Medication Assistance Treatment Re-entry Initiative (MATRI) shall be tested per the MATRI Guidelines.

## **525.05**

### **IMS TEST CODE DEFINITIONS**

Breathalyzer/Other (BRE): The test type/code for an inmate identified for a breathalyzer screen.

Correctional Recovery Academy (CRA): The test type/code for a subgroup of the inmate population designated for testing each period as a result of enrollment/participation in the CRA program.

Interval (INT): The test type/code for testing all minimum security level inmates on a quarterly basis, and all pre-release security level inmates on a monthly basis.

OUS/PRC Return (PRE): The test type/code for the testing of an individual inmate upon returning to the institution from an outside community/institution work crew or work release program.

Random (RDM): The test type/code for a percentage of the inmate population to be scheduled for substance abuse tests at random.

Suspect (SUS): The test type/code for a percentage of the inmate population considered “at risk”, to be designated for testing each month.

Sanctioned Disciplinary Urine (SDU): The test type/code for a subgroup of the inmate population designated for testing each period as a result of disciplinary sanctions associated with a prior substance abuse violation.

Testing for Cause (TST): The test type/code for the testing of an individual inmate based on suspicion or cause.

Transfer – 24 hour: The test type/code for testing an individual inmate within twenty-four (24) hours and prior to the transfer to a lower security level facility. Inmates who are scheduled for a transfer to a medium security facility through the initial classification process shall be exempt from this requirement.

## **525.06**

### **TESTING FREQUENCY**

Where practicable, urine specimen samples for all status types should be collected at various times to prevent predictability of testing patterns.

#### **A. Random Testing (RDM)**

1. The entire inmate population, except those inmates subject to mandatory testing as a disciplinary sanction (SDU status), and those who have not been housed in a DOC institution for at least thirty (30) days, shall be subject to random drug testing at the following frequency:
  - a. Minimum/Pre-Release: 5% of population, monthly
  - b. Maximum/Medium: 3% of population, quarterly
2. Random testing shall be based on an IMS (computer) generated selection.
  - a. The SAM or other employee designated by the Superintendent shall generate a random schedule of urine specimens to be collected via the Collection Schedule Screen. Access to this list shall be limited to only those individuals involved in the scheduling, collection, screening, or documentation process. Every effort shall be made to minimize access to this list until the time of collection.
  - b. Each inmate shall be tested regardless of how often their name appears on the Collection Schedule screen list. There is no limit

to the number of times, or the frequency of which, an inmate may be selected for random testing.

3. Random testing shall normally be conducted via a urine sample, unless an alternate testing method is deemed necessary.

B. Interval Testing (INT)

1. The entire inmate population of each institution shall be subject to interval drug testing at the following frequency:
  - a. Minimum: Entire population, quarterly
  - b. Pre-Release: Entire population, monthly
2. Inmates who appear on the interval list shall be tested via a urine sample, unless an alternate testing method is deemed necessary. Inmates on the interval list may be screened with a breathalyzer on a random basis or when there's reasonable suspicion the inmate is under the influence. Anytime a breathalyzer test is administered, the Inmate Sign Off Sheet (Attachment #1) shall be signed by the inmate and the test results entered into IMS. These breathalyzer tests shall be administered in either Automatic or Manual mode, using a mouthpiece.

C. Testing for Cause (TST)

1. A DOS or designee of an institution may order testing for cause to respond to situations that include, but are not limited to, the following:
  - a. An inmate appears to be under the influence of drugs or alcohol.
  - b. Staff receives information regarding suspected drug/alcohol use.
  - c. An inmate is observed and/or is found in possession of suspected illicit drugs, drug paraphernalia, alcohol, intoxicants, fermented juices, unauthorized medication, or other unknown substances, or where such items are found in an area occupied or inhabited by the inmate, and/or correctional staff is unable to obtain a sample of the substance/item.
  - d. An inmate returns late from a community release.
  - e. An inmate assaults a staff member.
  - f. An inmate sustains an injury not witnessed by staff which requires medical attention (excluding non-suspicious minor injuries, or those injuries reasonably believed a result of normal/recreational activities).
  - g. An inmate is returned to custody subsequent to an escape.
2. Testing for cause shall normally be conducted via a urine sample, unless an alternate method of testing is deemed necessary.

D. Correctional Recovery Academy (CRA)

1. For institutions that have a CRA Therapeutic Community Phase (TCP) program, testing of the participating inmates shall occur at the following frequency:
  - a. Twice during participation in the program (CRA).
  - b. Once during the week following graduation from the program.
  - c. A test for cause may be performed at any time on CRA participants at the discretion of the DOS or a designee, and/or the program provider.
2. CRA program monitoring/testing shall normally be conducted via a urine sample, unless an alternate method of testing is deemed necessary.
3. The DOT or the institution SAM shall ensure that all inmates participating in the CRA are entered in the IMS substance abuse module screen each time an inmate has been tested.
4. The DOT shall input relevant data into IMS on the Test Results screen. Data including the intervention referral date, intervention referral type, and intervention referral status, if any, shall be entered. This information shall be updated as needed and in conjunction with classification reviews.

E. Suspect List (SUS)

1. At all institutions, a monthly suspect list representative of those inmates who pose the greatest risk to abuse drugs or alcohol shall be established by the DOS or a designee. In developing this list, the following information should be reviewed and considered:
  - a. Inmates who scored moderate to high on COMPAS risk/needs assessment and/or have a strong need in the area of substance abuse.
  - b. Inmates who have tested positive or refused to provide a sample for substance abuse testing and have recently completed sanctions.
  - c. Inmates who have been identified as high risk substance abusers through institution incidents, intelligence information, and/or observations.
2. Inmates who appear on the suspect list shall be tested monthly via a urine sample, unless an alternate testing method is deemed necessary.
3. The DOS or a designee may remove any inmate from the suspect list following three (3) months of testing without a positive substance abuse screen/test result.
4. Inmates participating in the CRA TCP shall not appear on the suspect list. The substance abuse monitor shall compare the CRA list to the



suspect list, and remove any CRA inmates from the suspect list while they are participating in the CRA program.

F. OUS(CWC/FWR) /PRC (Work Release) Return (PRE)

1. Inmates returning from work release, community or facility work crews shall be screened with a breathalyzer on a random basis or when there's reasonable suspicion the inmate is under the influence. Anytime a breathalyzer test is administered, the Inmate Sign Off Sheet (Attachment #1) shall be signed by the inmate and the test results entered into IMS. These breathalyzer tests shall be administered in either Automatic or Manual mode, using a mouthpiece.

G. Sanctioned Disciplinary Urine (SDU)

1. Disciplinary proceedings resulting in guilty findings on substance abuse violations shall result in the inmate's placement on mandatory substance abuse monitoring (SDU status) for one (1) year (first offense), two (2) years (second offense) or three (3) years (third offense or greater), with two (2) mandatory urine tests conducted each month at the inmate's expense.

Note: In the event the inmate commits a second or third offense while serving the first sanction, the length of time the inmate shall remain on SDU status shall be calculated from the date of the second/third offense.

2. Whenever an inmate is issued a restitution amount for mandatory testing, the institution's SAM shall notify the Treasurer. Restitution deductions shall be in accordance with 103 CMR 405, *Inmate Funds*, 405.16.
3. The SAM shall be notified of any guilty findings and sanctions associated with a substance abuse related disciplinary report. The SAM shall track the disciplinary report on the IMS test results screen by entering the disciplinary report number and any related disciplinary sanctions.
4. The SAM shall manually track the testing of all inmates on SDU status.
5. Inmates that are on SDU status shall be referred to the Director of Treatment to be evaluated in order to determine whether treatment intervention may be needed.
6. For any inmate who transfers to another institution while on SDU status, the SAM at the sending institution shall contact the receiving institution's SAM and forward any non-IMS documentation to them in a timely manner in order to ensure the inmate's SDU status continues.
7. Inmates discharged/released from custody prior to the completion of a mandatory testing period, shall not be held responsible for the restitution on the tests that were not completed due to their release.

H. Transfer – 24hour

All inmates scheduled for a transfer to a lower security level facility shall provide a negative urine sample within 24 hours and prior to the transfer. Inmates who are scheduled for a transfer to a medium security facility through the initial classification process shall be exempt from this requirement.

**525.07**

**URINE/ORAL FLUID COLLECTION, SCREENING, TESTING, AND DISPOSAL**

Institutional procedures shall include a designated urine specimen collection site, a urine specimen testing site, a secure storage location for collected urine specimen samples containing a refrigerator/freezer used solely for storing urine specimen samples, and a secure location for the storage of urine testing supplies. Institutional procedures shall clearly identify who has access to these areas and materials.

Oral Fluid collection/screening/testing may be chosen at the discretion of the DOS or a designee, in cases where it is believed substances were ingested in close proximity to the time of the test, or where an alternate type of test is not appropriate or cannot be conducted. Oral fluid screening occurs simultaneously with the collection process.

**A. Pre-Collection Activities**

Prior to an inmate providing a urine/oral fluid sample, the Qualified Collection Officer shall:

1. Ensure the IMS generated Inmate Sign Off Sheet (Attachment #1) is obtained.
2. When collecting urine specimens, ensure that the collection site is clean, well lit, affords the inmate reasonable privacy, and is used solely for urine specimen sample collecting/testing during the collection process. A toilet stall of a restroom or a holding cell is a preferred location. Only the Qualified Collection Officer and inmate being tested shall be allowed access to the collection site during the collection process.
3. Ensure that all objects, which could be used to adulterate the sample or interfere with the collection process, are removed from the collection site (e.g., soap, cleaning chemicals, and articles of clothing that obstruct the collection officer's view).
4. Ensure that all required personnel and materials are available.
5. Request photo identification from the inmate providing the sample.
6. Properly label the urine/oral fluid specimen by entering all information identifying the urine specimen on the specimen cup, to include:
  - a. date (noted on the seal of a specimen cup)
  - b. collector's initials (noted on the seal of a specimen cup)
  - c. specimen number (noted on the seal of a specimen cup)

- d. inmate commitment number (written on the specimen cup)
7. Instruct the inmate providing the sample to initial the seal. If the inmate refuses to initial the seal, a notation shall be made on the Inmate Sign Off Sheet.
8. The Qualified Collection Officer shall conduct an unclothed search in accordance with 103 DOC 506, *Search Policy*. The Qualified Collection Officer shall return any garments of clothing to the inmate they deems appropriate (e.g., socks, undergarments), provided the returned garments shall not interfere with or hinder the Collection Officer's view of the sample collection process.
9. Instruct the inmate to wash and dry their hands prior to urinating in the specimen cup. Conduct a visual inspection under the inmate's fingernails for any foreign material.

**B. Collection of Sample (Urine/Oral)**

Staff shall practice universal precautions whenever handling a urine sample. When collecting urine samples, the Qualified Collection Officer shall:

1. Be in a position to verify the urine stream passes directly from the inmate's body into the specimen cup.
2. Take possession of the urine sample from the inmate.
3. Direct the inmate to wash their hands after urinating.
4. The Qualified Collection Officer shall check the specimen temperature by viewing the temperature gauge affixed to the specimen cup within four (4) minutes of the sample being provided to ensure it falls within the manufacturer's guidelines. The temperature reading shall be noted on the Inmate Sign Off Sheet.
5. Keep the urine specimen in full view of the inmate at all times prior to it being sealed and labeled.
6. Ensure 30 milliliters (mL) of urine is collected in the specimen cup.
7. An inmate unable to provide a 30 mL urine specimen shall immediately be placed in a holding area and be given an opportunity to provide the required urine specimen quantity within the two (2) hours allotted for collection.
8. If the inmate cannot provide the required 30ml urine sample at one time, any subsequent samples shall be collected in a new specimen cup and added to the original urine specimen until the 30ml requirement is reached. These samples shall be properly labeled and sealed until they are combined (The temperature shall be checked on each sample the

inmate provides to ensure it falls within the manufacturer's guidelines. All temperature readings shall be noted on the Inmate Sign Off Sheet).

9. If an inmate does not provide a urine sample within two (2) hours or initially refuses to provide a urine/oral specimen, the inmate shall be considered to be refusing to provide a urine/oral specimen sample and may be issued a disciplinary report.
10. The inmate shall be asked the specific reason for refusing to provide a sample and the reason shall be documented within the disciplinary report.
  - a. The SAM shall enter a flag in the "Inmate Refused" checkbox on the Test Sample tab of the IMS Test Results screen, and enter the date, time and their name.
11. If an inmate states that they cannot provide a specimen due to a physical or mental health reason, said inmate shall be advised that they may seek a reasonable accommodation pursuant to 103 DOC 408, *Reasonable Accommodations for Inmates*. A disciplinary report shall be written for the inmate's failure to comply with 103 DOC 525, but it will be held in abeyance pending a decision on the reasonable accommodation request by the appropriate authorities. If a reasonable accommodation is approved, the disciplinary report shall be dismissed. If a reasonable accommodation is not approved, the disciplinary report that had been held in abeyance shall issue. Nothing in this paragraph shall be construed to prohibit any staff member from issuing an inmate a disciplinary report for any behaviors or actions other than a refusal to provide a urine specimen.
12. When collecting oral fluids, the collection officer shall ensure the inmate being tested has had nothing in their mouth for at least ten (10) minutes prior to the sample collection. This shall be directly observed by the Qualified Collection Officer.

C. Post Collection Activities

The Qualified Collection Officer, now in possession of the urine/oral fluid specimen, shall keep the urine/oral fluid specimen in full view of the inmate providing the urine/oral fluid specimen and shall:

1. Ensure the lid and/or opening to the specimen cup has been sealed.
2. Review all information identifying the specimen, as noted on the specimen cup and on the Inmate Sign Off Sheet.
3. Ensure the inmate providing the urine/oral fluid specimen signs the Inmate Sign Off Sheet certifying that the urine/oral fluid specimen identified as having been collected is in fact that urine/oral fluid

specimen provided. In addition, the Qualified Collection Officer must print their name and complete all required information on the Inmate Sign Off Sheet. The test results screen in IMS shall also be completed.

4. In the event the inmate refuses to sign the Inmate Sign off Sheet, this shall be noted on the Inmate Sign Off Sheet and the witness shall print their name on the Inmate Sign Off Sheet. The SAM shall enter a flag in the “Inmate Provided But Refused To Sign” check box on the Test Sample tab of the IMS Test Results Screen.
5. If the urine specimen is not immediately tested upon collection, complete the Evidence Custody Form (103 DOC 506, *Search Policy*, Attachment D) and place the urine specimen in the substance abuse urine specimen storage refrigerator. Urine specimens may be stored at 2-8 degrees Celsius for up to 48 hours prior to testing. For prolonged storage, specimens may be frozen and stored below -20 degrees Celsius. Frozen specimens should be thawed and mixed well before testing. Each and every individual who handles the sample from the time of collection, to the time of disposal, shall complete the evidence custody form.

D. Initial Screening

1. All initial screenings shall be conducted by institution staff certified as Qualified Testing Officers by the test manufacturer/vendor.
2. All tests shall be conducted in a secure environment, and care must be exercised in maintaining the chain of evidence.
3. Staff shall practice universal precaution methods.
4. Inappropriately labeled samples (e.g., those whose numbers do not match the information on the Inmate Sign Off Sheet), samples with a broken seal, or samples observed leaking, shall be rejected for testing. In all cases where a sample is rejected, an entry shall be made in the Test Results screen and an incident report submitted. The sample shall be disposed of and a new sample collected from the inmate who provided the initial sample.
5. On the Inmate Sign Off Sheet, the Qualified Testing Officer shall circle all substances that the inmate’s sample was tested for and shall print their name on the line designated for “Tester”.
6. When a positive result is obtained from the initial screening, IPS staff shall contact the site Health Services Administrator or designee and request a list of medications that the inmate is currently prescribed (or was prescribed at the time the sample was collected). For those inmates who test positive for Buprenorphine or Methadone, the inmates IMS medical restriction screen shall be queried and if the “MAT” check box

is populated, Spectrum shall be contacted, and a list of the inmate's medications prescribed at the time the specimen was collected shall be requested. Once IPS obtains the medication list, they shall review to see if the inmate was prescribed and has been taking the substance that tested positive, and if so, a "negative medical" notation is to be made on the inmate's IMS test results screen for that specimen. If the inmate was not prescribed a substance that tested positive, a photograph of the initial test shall be taken and kept with the evidence custody form.

- a. The inmate shall be issued a disciplinary report and the IMS test results screens shall be completed.

The Disciplinary Officer shall serve the inmate with the Confirmation Test Election Form (Attachment #2). On the Form, the inmate may request a Confirmation Test be performed on the urine specimen. To request a Confirmation Test on the urine specimen, the inmate must inform the Disciplinary Officer of their desire to do so, select the corresponding choice and sign the Confirmation Test Election Form, in the presence of the Disciplinary Officer or other staff person, who shall sign as a witness. The inmate may also choose to waive the Confirmation Test; however they must acknowledge that, by waiving a Confirmation Test, they understands that the initial test may be used against them at a disciplinary hearing. The failure of the inmate to make an election on the Confirmation Test Election form may result in the Hearing Officer drawing an adverse inference in determining whether the inmate used an unauthorized drug(s), alcohol or other intoxicant(s).

If the inmate requests a Confirmation Test be performed on the urine specimen based on potential cross-reactivity, the medication list will then be transcribed by IPS staff onto the "Inmate Medication List for Urine Confirmation Testing" form (Attachment #3) and given to the confirmation test vendor with the urine to check for potential cross-reactivity during testing.

If a positive result is confirmed, the inmate may be responsible for restitution regarding the cost of each confirmed Confirmation Test, as part of the sanctions issued following a guilty finding at the disciplinary hearing pursuant to 103 CMR 430, *Inmate Discipline*.

- b. If the Confirmation Test vendor indicates the inmate's currently prescribed medication (or medication prescribed at the time the urine was collected) could cause the positive finding, the SAM shall document the confirmation results on the IMS Test Results screen as "Negative Medical".

6. The DOS or a designee may determine that a urine sample be collected

from an inmate and sent directly to the outside laboratory for testing, without conducting an initial screening. This shall be documented as a Confirmation Test. No additional testing is needed.

E. Confirmation Test

1. In all cases where a Confirmation Test has been requested by the inmate, the SAM shall contact the approved Department contractor to arrange for transfer/pick-up of the sample(s). The chain of evidence shall be adhered to. The inmate commitment number and the specimen number of the sample being sent out for confirmation testing shall be used to identify the sample on the vendor's confirmation test request paperwork and on the "Inmate Medication List for Urine Confirmation Testing" form.
2. The SAM shall ensure all applicable IMS screens are updated with the Confirmation Test results. Confirmation Test results for each substance tested shall be entered on a new line. The initial screening result findings shall not be changed. The "Test Completed" checkbox on the IMS Test Results screen shall be flagged once the final results have been documented.

F. Storage/Transfer/Disposal of Urine Samples

1. All urine samples resulting in negative results may be disposed of immediately provided no laboratory Confirmation Test has been requested.
2. Urine samples resulting in positive findings that are not sent out for confirmation testing shall be stored until the completion of the disciplinary process, including the appeal process. All urine samples stored for this purpose shall be frozen immediately.
3. The transfer of urine samples to the outside laboratory shall occur by transporting the sample in the original specimen cup placed in a sealed evidence bag. Urines that are sent out for confirmation testing will not be returned to the institution as they are kept by the vendor per the vendor's procedures.
4. The Evidence Custody Form (103 DOC 506, *Search Policy*, Attachment D) shall be properly documented and maintained throughout this process. Neither inmates nor unauthorized staff may have access to the sample(s) at any time during the testing, storage or transfer process. Any additional forms required by the outside laboratory or courier shall also be properly documented and maintained as directed.
5. Upon the completion of the screening and/or testing process, including the disciplinary and appeal processes, if applicable, the urine samples

shall be disposed of by flushing the urine down a toilet and then the urine cup disposed of in any standard trash receptacle.

G. Storage, Transfer, and Disposal of Oral Fluid Samples

1. All oral fluid samples resulting in negative results may be disposed of immediately provided no laboratory confirmation test has been requested.
2. All oral fluid samples resulting in positive findings shall be stored until the completion of the disciplinary process, including the appeal process. All oral fluid samples stored for this purpose shall be frozen immediately. Samples transferred to an outside laboratory for a Confirmation Test for identification shall be stored by the laboratory in accordance with the requirements of the state contract.
3. The transfer of oral fluid samples to the outside laboratory shall occur by transporting the sample in the original collection container placed in a sealed evidence bag, and under the direct supervision of the SAM or other authorized staff member, and the laboratory employee/courier.
4. The Evidence Custody Form (103 DOC 506, *Search Policy*, Attachment D) shall be properly documented and maintained throughout this process. Neither inmates nor unauthorized staff may have access to the sample(s) at any time during testing, storage or transfer process. Any additional forms required by the outside laboratory or courier shall also be properly documented and maintained as directed.

Upon the completion of the screening and/or testing process, including the disciplinary and appeal process if applicable, the oral fluid samples may be disposed of in any standard trash receptacle.

H. Screening/Testing for Alcohol or Intoxicants

Alcohol/intoxicant testing may be performed on an inmate's urine, oral fluid or breath.

1. Urine or Oral Fluid Screening/Testing
2. Breathalyzer Screening/Testing

Breathalyzer testing may be conducted in one of two (2) different modes for the reasons indicated.

- Automatic - In automatic mode, the unit monitors the subject's breath and automatically takes the sample near the end of the breath flow. A mouthpiece is used for this test. The results of this test are quantitative (e.g., the specific blood alcohol content is displayed).



- Manual - In manual mode, the collector shall press the button to collect the sample. This method is used when the subject is unable to provide a sufficient air sample for the automatic test. A mouthpiece is used for this test. The results of this test are quantitative (e.g., the specific blood alcohol content is displayed).

Note: Calibration checks shall be conducted on all breathalyzer machines quarterly. Calibration itself shall be conducted annually.

### 3. Pre-Collection Activities

Prior to an inmate providing a breathalyzer sample, the Collection Officer shall:

- Ensure that the collection site is clean, well lit, used solely for breath sample collecting/testing during the collection process, and is free of breezes, air flow or air contaminants that might affect the test results, or the collector's ability to collect a sample.
- Request photo identification from the inmate providing the sample.
- Ensure the Inmate Sign Off Sheet (Attachment #1) is signed by the inmate.

### 4. Sample Collection/Screening

- All breathalyzer screenings shall be conducted by institution staff certified as Qualified Testing Officer by the test manufacturer/vendor.
- All testing materials shall be up-to-date and functioning properly.
- If an initial test reveals a positive result, the inmate shall be secured in a holding cell and re-tested in fifteen (15) minutes to ensure they did not place anything in their mouth prior to the test being administered.

### 5. Post Collection/Testing Activities

- If the results of the breathalyzer screen are negative, the SAM shall document the negative initial results and ensure the "Test Completed" checkbox is flagged on IMS the Test Results screen.
- If the results of the breathalyzer screen is negative, but institution staff possess information that leads them to believe the inmate has been or may be using an unauthorized substance regardless of the screening results, an alternative test method shall be utilized. The SAM shall document the negative breathalyzer results on the IMS Test Results screen.

- c. The SAM shall document the positive breathalyzer screening on the IMS Test Results screen.

**525.08**

**SUBSTANCE IDENTIFICATION AND TESTING**

In the event a substance is found that is believed to be or contain alcohol, an unknown unauthorized controlled substance, an unknown unauthorized prescribed medication, or other unknown drug or illicit substance, qualified staff shall screen the substance using a narcotic field test in an attempt to identify the substance. In the case of alcohol/intoxicants, an breathalyzer (in passive mode) may be used. Proper personal protection precautions shall be used when testing an unknown substance.

**A. Substance Collection**

As soon as possible after discovery, staff shall confiscate and secure the unknown substance as evidence. Staff shall also complete a chain of evidence form (103 DOC 506, *Search Policy* Attachment D).

**B. Field Testing/Screening**

1. The unknown substance shall be photographed and kept with the evidence custody form. Moreover, if the substance was concealed, the area where the substance was found and/or receptacle of concealment should also be photographed. If the substance was intercepted in the mail, the envelope or any papers therein shall be photographed.
2. The unknown substance shall be field tested by a Qualified Testing Officer.
  - a. The unknown substance quantity should be evaluated prior to field testing to ensure enough material will be available for laboratory analysis, if necessary. Where the unknown substance quantity is limited or may be insufficient to conduct multiple tests, the unknown substance shall not be field tested, but may be sent out for identification via a laboratory test.
3. A substance believed to be or containing alcohol/intoxicants may be screened using an breathalyzer in passive mode for evaluative purposes. The appropriate collection procedures shall be adhered to for the specific screening methodology implemented.
  - a. The presence of the ingredients used for making alcohol/intoxicants is, in itself, a disciplinary violation, regardless of whether any alcohol content exists. The substance does not need to be sent out for laboratory confirmation testing or identification.
4. When a disciplinary report is written, staff must include any admission made by the inmate, if applicable.

**C. Laboratory Confirmation/Identification**

1. Any substance that cannot be identified may be sent to an outside laboratory for testing and identification.

2. If a substance is identified and an employee has reason to believe a disciplinary offense has been committed by an inmate, a disciplinary report shall be issued.
  - The Disciplinary Officer shall serve the inmate with the Confirmation Test Election Form. On the form, the inmate may request a Confirmation Test be performed on the substance. To request a Confirmation Test on the substance, the inmate must inform the Disciplinary Officer of their desire to do so, select the corresponding choice and sign Confirmation Test Election Form, in the presence of the Disciplinary Officer or other staff person, who shall sign as a witness. The inmate may also choose to waive the Confirmatory Test; however they must acknowledge that, by waiving a Confirmation Test, they understands that the initial test may be used against them at a disciplinary hearing. The failure of the inmate to make an election on the Confirmatory Testing Form may result in the Hearing Officer drawing an adverse inference in determining whether the substance is an unauthorized drug(s), alcohol or other intoxicant(s).
  - If a positive result is confirmed, the inmate may be responsible for restitution regarding the cost of each confirmed Confirmation Test as part of the sanctions issued following a guilty finding at the disciplinary hearing pursuant to 103 CMR 430, *Inmate Discipline*.

## **525.09**

### **TRAINING**

- A. Recruit Training: All correction officers and correction program officers shall receive substance abuse training during recruit training. This training shall be comprised of general policy requirements and concepts.
- B. All correction officers and correctional program officers designated to collect urine specimen samples shall be trained annually on the specific collection methodology to be used, prior to collecting any urine specimens.
- C. All correction officers and correctional program officers designated to test urine or illicit substances shall complete product manufacturer training every two (2) years.
- D. All certifications shall be submitted by the SAM to the Institutional Training Officer (ITO) and documentation made in the training database.

## **525.10**

### **DOCUMENTATION AND RECORD KEEPING**

- A. The institution SAM shall ensure the IMS substance abuse module is kept current at all times, including the creation of status rosters, collection schedules, and test results.

- B. The SAM and the Evidence Officer shall send the monthly confirmation testing spreadsheets (Urine and Illicit Substances) to the SAC monthly.

#### **525.11**

#### **DRUG TESTING SUPPLIES, ORDERING AND INVENTORIES**

- A. Drug testing/screening supplies shall be purchased through approved vendors only, in accordance with 103 DOC 340, *Departmental Purchasing Procedures*.
- B. The ordering of drug testing/screening supplies for all institutions shall be the responsibility of the Department Substance Abuse Coordinator (SAC). SAMs shall submit a supply order through the SAC quarterly.
- C. All drug testing/screening supplies shall be centrally stored at a secured location designated by the Director of the Policy Development and Compliance Unit (PDCU). Supplies shall be distributed to each institution on a quarterly basis.
- D. Each institution, along with the central storage location, shall maintain a perpetual log in order to sustain an accurate inventory of the supplies on hand, including expiration dates where appropriate.
- E. Each institution SAM shall be required to conduct and submit a drug testing supply inventory on a quarterly basis, to the SAC for inventory monitoring and assessment purposes.
- F. In the event any expired drug testing/screening supplies are found, they shall be immediately removed from the storage or testing location and clearly marked "Expired - For Training Use Only".
- G. Expired drug testing/screening supplies may either be retained by the institution for use in training institutional staff or discarded to an area outside the perimeter with no inmate access. Under no circumstances shall expired drug testing/screening supplies be stored in the testing location, or with active supplies in the storage location.

\*\*\*\*\*  
INSTITUTION NAME:  
SUBSTANCE ABUSE TESTING - INMATE SIGN OFF SHEET  
DATE:  
\*\*\*\*\*

Inmate:

Block:

Room:

Bed:

Date:

Time:

Specimen #:

Temperature of urine when collected:

Substances Tested: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18

Inmate Signature: \_\_\_\_\_

Collector, Printed Name: \_\_\_\_\_

Inmate Provided, Refused to Sign

Witnessed by: \_\_\_\_\_

Tester, Printed Name: \_\_\_\_\_

Massachusetts Department of Correction  
Substance Abuse Confirmation Test Election

Inmate: \_\_\_\_\_ Commitment No.: \_\_\_\_\_

Disciplinary Report # \_\_\_\_\_

- ☐ I choose to waive my opportunity to have a Confirmation Test(s) performed on the initial test(s) listed in the above Disciplinary Report by the outside laboratory contracted by the Department of Correction. As a result, I understand that the initial test may be used as evidence in the above-referenced disciplinary report. Moreover, I understand that if I plead or am found guilty, I shall be subject to substance abuse monitoring for a predetermined period, consisting of two mandatory urine tests every month at a cost of \$6.00 per test at my expense.
- ☐ I choose to have a Confirmation Test(s) performed on the initial test(s) listed in the above disciplinary report by the outside laboratory contracted by the Department of Correction. If a positive result is confirmed, I understand I may be responsible for restitution regarding the cost of each confirmed confirmation test, as part of the sanctions issued following a guilty finding at the disciplinary hearing, pursuant to 103 CMR 430, *Inmate Discipline*. I also understand that if found guilty, I shall be subject to substance abuse monitoring for a predetermined period, consisting of two mandatory urine tests every month at a cost of \$6.00 per test at my expense.

**1<sup>st</sup> Offense - 1 Year/24 tests (\$144) 2<sup>nd</sup> Offense - 2 Years/48 tests (\$288)**  
**3<sup>rd</sup> Offense or Greater - 3 Years/72 tests (\$432)**

I have read and fully understand the contents of this document and potential consequences of my decision, and am making this decision of my own free will, and without coercion.

Inmate Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Disciplinary Officer: \_\_\_\_\_ Date: \_\_\_\_\_

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To be selected by Disciplinary Officer in the event the Inmate Refuses to Sign.

- ☐ Inmate refused to sign and select an option above. Inmate was notified that their refusal to select an option above and sign this form may be used as an adverse inference in the above-entitled disciplinary proceeding and may result in the inmate being subject to substance abuse monitoring for a predetermined period, consisting of two mandatory urine tests every month at a cost of \$6.00 per test at the inmate's expense.

Disciplinary Officer: \_\_\_\_\_ Date: \_\_\_\_\_

## Inmate Medication List for Urine Confirmation Testing Form

Inmate Commitment Number: \_\_\_\_\_

Urine Specimen Number:\_\_\_\_\_

Prescribed Medications:[illegible]